

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Magid H. Momenian)	
t/a Mini Market)	
)	
Application for a Retailer's)	Case no. <u>21073-98057P</u>
Class B License – renewal)	
at premises)	
1402 Rhode Island Avenue, N.W.)	
Washington, D.C.)	
)	

Tim Hilliard, Chair, Rhode Island Avenue West Group, Protestant

Magid H. Momenian, Applicant

**BEFORE: VANNIE TAYLOR, III, ESQUIRE, CHAIR
DENNIS BASS, MEMBER
ALLEN BEACH, MEMBER
MARY EVA CANDON, MEMBER 1/
LAVERNE KING, MEMBER
DUANE WANG, MEMBER
EYDIE WHITTINGTON, MEMBER**

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on July 8, 1998, in accordance with D.C. Code Section 25-115(c)(5) (1998 Supp.), providing for remonstrants to be heard. The Board received a timely letter of opposition from Tim Hilliard, Chair, on behalf of the Rhode Island Avenue West Group, dated June 5, 1998.

However, the official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board, dated August 16, 1998. Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

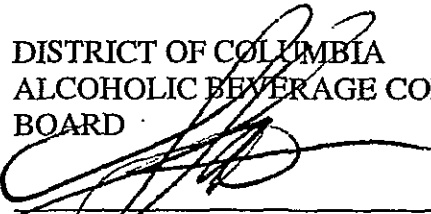
1/ Mary Eva Candon is no longer a member of the board.

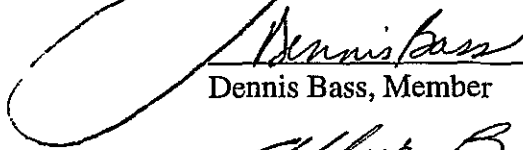
Magid H. Momenian
t/a Mini Market
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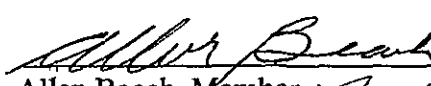
Accordingly, it is this 21st day of October 1998 **ORDERED** that:

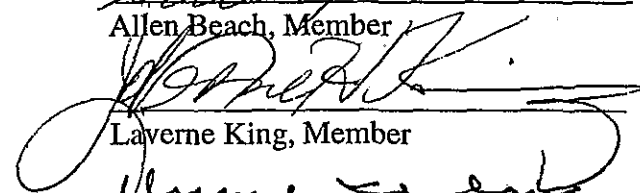
1. The opposition of Tim Hilliard, Chair, on behalf of the Rhode Island Avenue West Group, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order:
3. The application of Magid H. Momenian t/a Mini Market for a retailer's license class B – renewal at premises 1402 Rhode Island Avenue, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.


DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

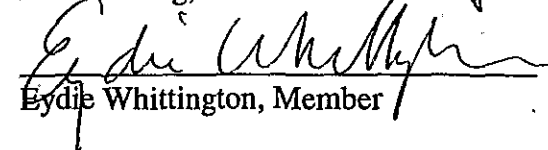

Vannie Taylor, III, Esquire, Chair


Dennis Bass, Member


Allen Beach, Member


Laverne King, Member


Duane Wang, Member


Eydie Whittington, Member

21073

ALCOHOLIC BEVERAGE CONTROL VOLUNTARY AGREEMENT

Premise Address: 1404 Rhode Island Avenue, Northwest

Renewal Application Number: 21073

Retailer's License Class B

This Voluntary Agreement (the "Agreement") is made the 16 day of August, 1998, by and between Rhode Island West Neighborhood Association on behalf of the affected community (the "Protestants") and the Applicant for renewal of a District of Columbia Alcoholic Beverage Retailer's License Class B at premises located at 1404 Rhode Island Avenue, Northwest (the "Establishment"). The principal offices of the above parties to this Agreement are listed in the Notices section of this Agreement.

WITNESSETH

WHEREAS, the Applicant operates a liquor store known as Mini - Market, Washington, D.C.; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "Board") is the Applicant's Application number 21073 for renewal of the Retailers License Class B held by Applicant; and

WHEREAS, the Rhode Island West Neighborhood Association has filed a protest pursuant to section 14(b) of D.C. Code sect. 25-115(b) (1996 Repl. Vol.); and

WHEREAS, the parties to this Agreement desire to resolve the protest in the manner hereinafter provided:

NOW, THEREFORE, in consideration of the facts recited above and the covenants and promises set forth below, the parties agree as follows:

1. **HOURS OF OPERATION.** The Applicant shall limit the hours of operation of the Establishment to no more than 8:00 a.m. to ~~11:00~~ ^{12:00} p.m., Sunday through Thursday, and 12:00 p.m. on Friday and Saturday. *12:00 p.m.*
2. **PUBLIC TELEPHONES.** No exterior public pay telephones shall be installed on the property.
3. **EXTERNAL APPEARANCE OF PREMISES.** The Applicant shall not block the visibility of the store interior through the plate glass windows from the sidewalk. The Applicant shall conform to Sect. 1100.1 of Title 23 of the District of Columbia Municipal Regulations by removing advertisements in the windows in excess of the permitted twenty-five percent (25) of the window space. In accordance with Sect. 1100.2 of Title 23 DCMR, no advertisement of any kind relating to alcoholic beverages shall be displayed on the exterior of any window and exterior or interior of any door.
4. **MAINTENANCE OF PUBLIC SPACE.** The Applicant shall keep the sidewalk of the Establishment clean at all times, and the curbs and tree box free of trash. The Applicant shall maintain and water the tree box in front of the Establishment. The Applicant shall agree not to place any form of box which could be used for sitting on the exterior of the property.
5. **LOITERING.** The Applicant shall direct his employees to aggressively discourage loitering in the vicinity of the property and to contact police when loiters refuse to leave. The Applicant shall post a no loitering sign in window or front door of Establishment.

6. **ILLEGAL ACTIVITIES AND PUBLIC NUISANCES.** The Applicant recognizes the problems of panhandling, public drunkenness and drug dealing in the immediate vicinity of his store, and will instruct his employees not to sell single bottles of beer to individuals who loiter in the vicinity; and to attempt to discourage drug sales in or in front of the Establishment and contact the police when known or suspected drug transactions occur. The Applicant shall make no sales of single cigarettes or cigars, Philly Blunt cigars, cigarette rolling papers, glassine bags or other drug paraphernalia. The Applicant shall refrain from selling or giving away plastic or paper cups. The Applicant shall make no sales of single bottles or cans of beer in containers of 12 ounces or less that are normally package in six-packs. If individuals not engaged in lawful business activities are observed on the premises and corrective steps prove insufficient, the Applicant will agree to provide security at all times the Establishment is open.
7. **COOPERATION WITH RESIDENTS.** The Applicant agrees to meet as requested with officers and members of the Rhode Island West Neighborhood Association, Advisory Neighborhood Commission 2F, and Third District Metropolitan Police officials, upon commencement of business operations, to discuss any problems arising from the operation of the store. This meeting shall be held at a location within five blocks of the store. The Applicant agrees to work in good faith with these individuals to resolve these problems.
8. **CONDITIONS OF LIQUOR LICENSE.** The Applicant will adhere to the conditions of the license for the Establishment herein contained, and it is understood that the provisions of this Voluntary Agreement shall become a part of the conditions of the license. Failure of the Applicant to correct any violations of the conditions of the license within thirty (30) days shall be just cause by the Board to suspend or revoke the license.
9. **WITHDRAWAL OF PROTEST.** The Protestant hereby withdraws their protest of the Application and agrees to provide whatever further evidence of said withdrawal that may be required by the Board.
10. **BINDING EFFECT.** This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the License to which the Voluntary Agreement applies.
11. **NOTICES.** Any notices required to be made under this Agreement shall be in writing and mailed by Certified Mail, or return receipt requested, postage prepaid, to the other Parties to this Agreement. Notice is deemed to be received upon mailing. Notice is to be given as follows:

- A. If to the Protestant, to:
Tim Hilliard
Chair
Rhode Island West Neighborhood Association
1317 Rhode Island Avenue, NW, #205
Washington, D.C. 20005
- B. If to the Applicant, to:
Magia H. Momenian

This Agreement shall take effect once all parties to the Agreement have affixed their signatures below. The parties hereby indicate their consent to this Agreement.

Applicant

Tim Hilliard

for the Rhode Island West Neighborhood Association